HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Petition Nos. 13336 of 2006 & 873 of 2007

W.P.No.13336 of 2006

Between:

Syed Ather Hussain Rizvi

... Petitioner

And

The Commissioner,
Malkajgiri Municipality,
Ranga Reddy District & others

... Respondents

Counsel for the petitioner : Shri M.A. Bari

Counsel for respondent No.1: Shri P. Radha Krishna

Counsel for respondent No.5: Shri S.M. Subhani

W.P.No.873 of 2007

Between:

Syed Ather Hussain Rizvi

... Petitioner

And

The Government of Andhra Pradesh,
Rep. By the Chief Secretary,
Hyderabad & others

... Respondents

Counsel for the petitioner : Shri M.A. Bari

Counsel for respondent No.5: Shri P. Radha Krishna

Counsel for respondent No.7: Shri S.M. Subhani

:: COMMON ORDER ::

July 27, 2007

Per G.S. Singhvi, CJ

In these petitions, the petitioner has prayed for issue of a

mandamus to the respondents not to demolish any part of Moula Ali Arch located within 500 meters from Hazrath Moula Ali Darga, to declare the same as a heritage structure and to repair and protect the same.

We have heard learned counsel for the parties and perused the affidavits of the petitioner, Shri D. John Samson, Commissioner, Malkajgiri Municipality and Shri M. Mahender Reddy, the then Commissioner of Police, Cyberabad, Hyderabad. We have also gone through inspection report dated 4.10.2006 prepared by Chief Coordinator, ICS, JNTU College of Engineering, Kukatpally, Hyderabad, which shows that the structure known as "Moula Ali Arch" is unsafe.

On 15.06.2007, the Court, after taking cognizance of the statement made by Shri S.M. Subhani, learned counsel for Andhra Pradesh State Wakf Board, passed the following order:

> "Shri M.A.Bari for the petitioner.
> Shri P. Radha Krishna for Malkajgiri Municipality.
> Shri S.M. Subhani for Andhra Pradesh State Wakf Board.
>
> Learned counsel for Wakf Board, on the basis of the record made available to him, says that Moula Ali Kaman has been damaged due to accident by lorry and other reasons and the same is required to be replaced by a replica. He says that the estimated cost of demolition and construction of new one (replica) is about Rs. 27 lacs. At the same time, he made a request for adjournment to enable the authorities of Andhra Pradesh Wakf Board to get in touch with the authorities of Malkajgiri Municipality for deciding the modalities of reconstruction of Moula Ali Kaman.
>
> As requested by Shri Subhani, the case is adjourned to 27.07.2007."

At the hearing, learned counsel for the parties agreed that the issue relating to demolition and/or re-construction of the Moula Ali Arch can be amicably decided. They requested that the Court may ordain a meeting of the senior officers of the Government, the Municipality and the Wakf Board for resolving this controversy.

In view of the agreed statement made by the learned counsel for the parties, the writ petitions are disposed of with the direction that the committee comprising Principal Secretary, Municipal Administration

Department, the Commissioner of the Greater Hyderabad Municipal Corporation (Malkajgiri Municipality has merged with Greater Hyderabad Municipal Corporation), District Collector, Ranga Reddy, Chief Executive Officer, Andhra Pradesh Wakf Board, Director, Archeology and Museums, Andhra Pradesh should examine various facets of the controversy and take appropriate decision in regard to demolition and/or repair and/or reconstruction of Moula Ali Arch and also its financial aspect.

The Principal Secretary, Municipal Administration Department is requested to convene a meeting of the committee within one month for the aforesaid purpose.

The petitioner – Syed Ather Hussain Razvi may also be invited in the meeting to express his views in the matter.

As a sequel to disposal of the writ petitions, W.P.M.P.Nos.16576 of 2006, 12615, 1088 and 1089 of 2007 filed by the petitioner for interim reliefs are disposed of as infructuous.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

July 27, 2007
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